



राजपत्र, हिमाचल प्रदेश

(अधाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा जारीगित

चिन्हां, सीमार, 25 जून, 1979/4 आवाद, 1961

हिमाचल प्रदेश सरकार

GENERAL ADMINISTRATION DEPARTMENT

(C-SECTION)

NOTIFICATION

Simla-2, the 13th June, 1979

No. GAD(PA)4(D)20/79-GAC(.).—Whereas Dr. Vasant Kumar Pandit, M.P., has introduced in the Lok Sabha on the 15th July, 1977, the Prevention of Social Disabilities Bill, 1977 (Bill No. 67 of 1977);

And whereas a motion has been adopted to circulate the said Bill for the purpose of eliciting the public opinion thereon;

Now, therefore, the Governor of Himachal Pradesh is pleased to publish the said Bill, along with its statement of objects and reasons, in the Rajpatra, Himachal Pradesh, for the information of the general public and notice is hereby given that if any person or public body desiring to offer any opinion/comments thereon, he/it should send the same to the Secretary (GAD) to the Government of Himachal Pradesh, Simla-171002, only and not direct to the Lok Sabha Secretariat or to any Ministry of Government of India, by the 2nd September, 1979. The opinion/comments so received from any person/public body shall be forwarded to the Lok Sabha Secretariat, after the expiry of the said period i.e. the 2nd September, 1979.

O. P. YADAV,
Secretary.

(REPRINT)

AS INTRODUCED IN LOK SABHA ON 15-7-1977

Bill No. 67 of 1977.

THE PREVENTION OF SOCIAL DISABILITIES BILL, 1977

By

DR. VASANT KUMAR PANDIT, M.P.

A

BILL

to prevent the imposition of social disabilities by a member or members of a community on a member or members of his or their own community; to provide for penalties for such an act or acts and for matters connected therewith.

WHEREAS it has come to notice that the practice of imposing social disabilities prevails in certain communities, which amongst other things deprives their members of the rights and privileges to which they are entitled by reason of birth or otherwise and which results in flagrant violation of their fundamental rights as citizens of this country;

AND WHEREAS in keeping with the spirit of social change and democratic set up of our country and in the larger public interest it is expedient to prevent the imposition of such social disabilities and to provide penalties for such an act or acts and for matters connected therewith;

BE it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows:—

1. *Short title, extent and commencement.*—(1) This Act may be called the Prevention of Social Disabilities Act, 1977.

(2) It extends to the whole of India.

(3) It shall come into force at once.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) “community” means a group of members who are connected together by birth, conversion or performance of religious rites or ceremonies or who belong to the same religion or religious creed and include a caste or sub-caste;

(b) “member” means a person, whether male or female, who is a member of any community.

3. *Imposition of social disabilities.*—A member shall be deemed to have imposed social disability on a member of his community if he—

(a) denies, prevents or obstructs or causes to deny, prevent or obstruct any member of his own community from having access to or from using any place of worship or prayers or any place intended to be used for performing any religious ceremony or rite, prevalent or practised in his community;

(b) prevents or obstructs or causes to prevent or obstruct any member of his community from having access to or from using any place used or intended to be used for a charitable, religious or public purpose and established, run, or maintained wholly or partly by his own community for and on behalf of the community and which is normally available for use to or by any member of his own community;

(c) prevents or obstructs or causes to prevent or obstruct any member of his community from enjoying any benefit under a charitable trust or Wakf created for the benefit of his community;

- (d) prevents or obstructs or causes to prevent or obstruct any member of his community from having access to or using the facilities of any school, educational institution, medical institution, community hall, club hall, cemetery, burial ground or any other place used by or intended to be used by, or for the benefit of, his community;
- (e) prevents or obstructs or causes to prevent or obstruct any member of his community from observing any social or religious, custom or usage or ceremony or from taking a part in a social or religious functions congregation, assembly, meeting or procession;
- (f) prevents or obstructs or causes to prevent or obstruct any member of his community from establishing or maintaining such social, professional, or business relations as he would ordinarily establish or maintain with other members of his community;
- (g) incites, provokes, or encourages any member of his community directly or indirectly to sever social, religious, professional or business relations with any other member or members of his community;
- (h) refuses or denies or causes to refuse or deny to any member of his community the right to perform such marriage, funeral or other religious ceremonies and rites as the members of his own community usually and ordinarily perform;
- (i) prevents or obstructs or causes to prevent or obstruct any member of his community from entering, lodging in or otherwise using any Dharmashala, Sarai or Musafarkhana which is ordinarily open to members of his community; or
- (j) prevents or obstructs or causes to prevent or obstruct any member of his community from entering or using any place of worship such as temple, mosques, church, gurudwara or any cemetery, crematorium or burial ground which is ordinarily open to members of his community.

4. Penalties.—(1) Whoever imposes any social disability on any member of his community shall on conviction be punished with imprisonment of either description which may extend to six months or with fine, which may extend to one thousand rupees or with both.

(2) Whoever aids or abets in the commission of any offence punishable under this Act or connives at the commission of any such offence or harbours any offender or destroys any evidence shall on conviction be punished with imprisonment of either description which may extend to six months or with fine, which may extend to one thousand rupees or with both.

5. Offences under this Act to be cognizable and compoundable.—Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 974) every offence under this Act—

- (a) shall be cognizable, and
- (b) may, with the permission of the Court be compoundable.

6. Police Officers to take action in cases of imposition of social disabilities.—(1) A Police Officer may—

- (a) remove or cause to be removed any barricade or obstruction erected, placed or found in any place, if such police officer has reasonable ground to believe that the barricade or obstruction was so erected or placed in order to be used for the purpose of committing an offence under this Act; or
- (b) open or cause to be opened any gate or door, if such police officer has reasonable ground to believe that such gate or door was closed for the purpose of committing an offence under this Act.

(2) Whenever a police officer has reasonable ground to believe that any person is likely to commit an offence under this Act, he may arrest such person without a warrant and deliver him into the custody of the officer-in-charge of a police station who may either release the person arrested on his executing a bond with or without surety for his appearance in a Magistrate's Court or take or cause to be taken the person arrested before a Magistrate within twenty-four hours after the arrest.

(3) When a person appears before a Magistrate in compliance with a bond executed by him under sub-section (2) or is brought before a Magistrate, he may require such person to show cause why he should not be ordered to execute a bond with or without sureties for his good behaviour for such period not exceeding three years as the Magistrate may think fit. If after due inquiry, the Magistrate is satisfied that such person should execute a bond with or without sureties, the Magistrate shall make an order accordingly and the provisions of section 107 and sections 112 to 123 (both inclusive) of the Code of Criminal Procedure, 1973 (2 of 1974) shall apply to or in relation to all orders to furnish security made under this sub-section.

STATEMENT OF OBJECTS AND REASONS

The outdated and unconstitutional practices such as untouchability, boycotts, etc., are still practised in various communities in the country, resulting in great harassment to individuals or groups. The harassment so caused, naturally gives rise to ill-feeling and disharmony towards each other. This has far-reaching effects on the social life of the community. It is, therefore, necessary to root out these evils by putting a stop to the imposition of the various social disabilities. The objective can be achieved by enacting a suitable legislation for the purpose and also for providing punishment to those who indulge in such evil practices.

Hence this Bill.

NEW DELHI;
The 15th June, 1977.

VASANT KUMAR PANDIT.

LOK SABHA

A

BILL

to prevent the imposition of social disabilities by a member or members of a community on a member or members of his or their own community; to provide for penalties for such an act or acts and for matters connected therewith

(Dr. Vasant Kumar Pandit, M.P.)